

AN ORDINANCE

BY: COUNCILMEMBER LEE MORRIS

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AN ORDINANCE TO AMEND SECTION 16, CHAPTER 21, FH FLOOD HAZARD DISTRICTS OF THE CITY OF ATLANTA **CODE** OF ORDINANCES FOR THE PURPOSES **OF** UPDATING FLOOD HAZARD DISTRICT MAP REFERENCES AND FURTHER REGULATING THE **USE** OF COMPENSATING EXCAVATION OR CONTOURING PROCEDURES TO MODIFY FLOOD HAZARD **LIMITS**; AND FOR OTHER PURPOSES.

WHEREAS, the Federal Emergency Management Agency Flood Insurance Rate Maps have been revised and reissued effective June 22, 1998, and

WHEREAS, the **use** of compensating excavation or contouring procedures to modify Flood Hazard limits normally results in the complete destruction of all existing ground cover and existing trees which lie within the limits of this work, and

WHEREAS, the City of Atlanta's Subdivision Ordinance and the Tree Protection Ordinance both reference minimum disturbance of (or to) natural topography as either criteria or intent **of** the ordinances.

NOW THEREFORE **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

Section 1: All references to Federal Emergency Management Agency Flood Insurance Rate Maps contained in the ordinance be amended to reflect the maps most recently revised issuance, dated June 22, 1998.

Section 2: Section 16-21.004, Permits Required, subsection (2), Flood Plain Protection which presently reads in part:

"The Commissioner shall not authorize the approval of any permit authorizing the placement **of** fill or stored materials, **or** the construction **or** any building or other structure, within a

floodplain unless compensation is made for the volume of that floodplain thereby displaced by the addition, by excavation or contouring of an area within or contiguous to that floodplain, at least an equal volume of flood storage. Drainage from any excavation or contouring necessary to provide such compensating volume shall be by gravity into the floodway, and appropriate ground cover shall be provided in and adjacent to any such excavation **of** contouring to prevent any increase of erosion or sedimentation into the floodplain”, be amended to read:

“The Commissioner shall ~~not~~ authorize the approval of any permit authorizing the placement of fill or stored materials, or the construction of any building or other structure, within a floodplain’ unless compensation is made for the volume of that floodplain thereby displaced by the addition, by excavation or contouring **of** an area within or contiguous to that floodplain, at least an equal volume of flood storage. Drainage from any excavation or contouring necessary **to** provide such compensating volume shall be by gravity flow across the surface into the floodway, and appropriate ground cover shall be provided in and adjacent to any such excavation or contouring to prevent any increase of erosion or sedimentation into the floodplain; The use of compensating excavation or contouring procedures to modify flood hazard limits may only be applied on existing properties which presently are lots of record, the procedures may not be applied for the purpose of creating new lots of record.”

**Section 3:** That all ordinances and **parts** of ordinances in conflict herewith one hereby repealed.